

In the Matter Of:

BLANFORD, ET AL. v DUNLEAVY, ET AL.

ADAM CRUM

January 05, 2021

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF ALASKA

3 ANTHONY L. BLANFORD and
4 JOHN K. BELLVILLE,

5 Plaintiffs,

6 MICHAEL J. DUNLEAVY, in his
7 individual and official capacities;
8 TUCKERMAN BABCOCK; and the
9 STATE OF ALASKA,

10 Defendants.

11 _____/
12 Case No. 3:19-cv-00036-JWS

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16 VIDEOCONFERENCE DEPOSITION OF ADAM CRUM

17

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19 Pages 1 - 67
20 Tuesday, January 5, 2021
21 9:00 a.m.

22

23 Taken by Counsel for Plaintiffs

24 Via Remote Videoconference

25

**CERTIFIED
TRANSCRIPT**

<p style="text-align: right;">Page 42</p> <p>1 because you agree with his political philosophy?</p> <p>2 A I mean, you have to do with fit. As</p> <p>3 somebody who's managed a lot of employees and done</p> <p>4 with a lot, you actually hire people that you</p> <p>5 actually want to work with. So that is a big part</p> <p>6 of it. You also look for talent and you look to</p> <p>7 make sure that are individuals doing what you need.</p> <p>8 Q So you'd agree, then, that the governor</p> <p>9 has the prerogative to hire people who he would</p> <p>10 want to work with into roles such as yours,</p> <p>11 commissioner roles, for example?</p> <p>12 A Yes.</p> <p>13 Q So that would be a reason to ask for a</p> <p>14 resignation, correct?</p> <p>15 A Yes.</p> <p>16 Q Is that your understanding of why the</p> <p>17 resignation requests went out to all of the other</p> <p>18 at-will employees?</p> <p>19 A No. My understanding is because it's a</p> <p>20 normal transition between administrations.</p> <p>21 Q And you don't question why that occurred?</p> <p>22 A No, because it's a normal transition</p> <p>23 between administrations.</p> <p>24 Q In all your political experience -- you</p> <p>25 know, you've described yourself as a pretty</p>	<p style="text-align: right;">Page 44</p> <p>1 Q So you were aware that both doctors had</p> <p>2 not submitted resignations, correct?</p> <p>3 A Yeah.</p> <p>4 Q When did you first become aware of that?</p> <p>5 A Via phone calls, like, the end of the day</p> <p>6 on the first day because emails weren't actually</p> <p>7 functioning yet and/or I was trying to learn the</p> <p>8 State system.</p> <p>9 Q Is that, then, the first time you learned</p> <p>10 of who Dr. Bellville or Dr. Blanford are?</p> <p>11 A Dr. Blanford, I had known his name</p> <p>12 because he was -- I'm going to say it wrong --</p> <p>13 either Chief of Psychiatry or Chief Medical Officer</p> <p>14 of API. So I'd read about his name in documents.</p> <p>15 Q Were you aware at the time you became the</p> <p>16 Commissioner that Dr. Blanford had written an op-ed</p> <p>17 about the request for resignations?</p> <p>18 A Yeah, I do remember that.</p> <p>19 Q Do you remember what he said in that</p> <p>20 op-ed?</p> <p>21 A No.</p> <p>22 Q You remember reading it, though?</p> <p>23 A I think so now that you point that out.</p> <p>24 Again, it's been two years. I have 3500 employees</p> <p>25 and a global pandemic going on. Two employees who</p>
<p style="text-align: right;">Page 43</p> <p>1 intelligent person, you keep abreast of these kinds</p> <p>2 of things, you don't have any opinion as to why</p> <p>3 somebody would want to ask for the resignations of</p> <p>4 all these at-will employees when the transition</p> <p>5 occurs?</p> <p>6 A It's a normal transition of all</p> <p>7 administrations.</p> <p>8 Q And I'm asking you why that would occur.</p> <p>9 You're not going to answer that question, correct?</p> <p>10 A That is the answer as to why that is.</p> <p>11 When I came into this job -- Centers for Medicaid</p> <p>12 and Medicare Services has a lot of audits on the</p> <p>13 board for Medicaid. I don't come in and question</p> <p>14 why audits are necessary and certain rules. That</p> <p>15 is the normal course of business.</p> <p>16 Q Do you know Drs. Blanford and Bellville?</p> <p>17 A Yes, I met them.</p> <p>18 Q When did you first meet Dr. Blanford?</p> <p>19 A I think I met the both of them together</p> <p>20 one or two days after we first started.</p> <p>21 Q Did you know who Dr. Blanford was before</p> <p>22 you met him?</p> <p>23 A I knew that they were two of the -- they</p> <p>24 were the two psychiatrists who didn't want to</p> <p>25 submit a resignation or whatever the thing was.</p>	<p style="text-align: right;">Page 45</p> <p>1 didn't want to work there, it's an out-of-sight,</p> <p>2 out-of-mind situation. So I apologize for not</p> <p>3 remembering an article from two years ago.</p> <p>4 Q But you do recall it? You do recall that</p> <p>5 there was an article?</p> <p>6 A I do recall it now, that there was</p> <p>7 something beforehand.</p> <p>8 Q So is it fair to say you might have known</p> <p>9 who he was before you started the job?</p> <p>10 A Yeah. I said I knew who he was before</p> <p>11 the job because of his name as Chief Medical or</p> <p>12 Chief Psychiatrist at API.</p> <p>13 Q Okay. Right, I stand corrected.</p> <p>14 What did you know -- other than</p> <p>15 Dr. Blanford's role or his job title perhaps at</p> <p>16 API, what did you know about API at the time you</p> <p>17 took the job?</p> <p>18 A That API was going through some very,</p> <p>19 very tough times, that they had rolled through</p> <p>20 multiple CEOs in the prior year, that their census</p> <p>21 count was at an all-time low. Morale was bad. We</p> <p>22 had multiple letters of correction from CMS, the</p> <p>23 Joint Commission. There was a lot of issues going</p> <p>24 on at API, and knew that was one of the topics that</p> <p>25 came from the transition binder from the</p>

<p style="text-align: right;">Page 46</p> <p>1 Commissioner and Dr. Jay Butler, was, you know: 2 Here are some of the items you need to be aware of 3 at API. We've got some things that are on the 4 clock that we have to respond to CMS with. 5 Q Is it fair to say that there were some 6 changes that needed to be made at API when you 7 began to learn about it? 8 A Changes and/or support. 9 Q And when you say "support", what do you 10 mean? 11 A I mean that it needed some focused help. 12 I think the track record shows that over the first 13 year at API, my willingness to actually advocate 14 for and spend money with to get the tools and teams 15 in place necessary to actually prop up a critical 16 aspect of every health continuum. 17 Q But at the time, when you were preparing 18 to take on this role prior to December 3rd and at 19 that time when you became Commissioner, I'm asking: 20 Was it apparent to you then that change was needed? 21 A Was December 3rd the date? That was the 22 transition day? 23 Q Yeah. I'll represent to you that that 24 was the inauguration day. 25 A Thank you. I was not -- yeah.</p>	<p style="text-align: right;">Page 48</p> <p>1 A Yeah, one of the two deputy chiefs. 2 Q Deputy Chief of what? 3 A Staff. 4 Q Had you talked to anybody in the 5 administration other than that deputy chief about 6 Dr. Blanford's termination before that? 7 A No. 8 Q Let me ask you a little bit about 9 Dr. Bellville. 10 When did you first meet Dr. Bellville? 11 A If December 3rd was the day, I think it 12 was December 5th when I met Dr. Bellville and 13 Blanford in person at API with Deputy Commissioner 14 Wall. 15 Q Before you met him, did you know who he 16 was? 17 A No, other than you got his name on the -- 18 December 3rd in the afternoon. 19 Q So together with Dr. Blanford, you 20 learned that Dr. Bellville was fired? 21 A Yeah. 22 Q Is it fair to say that came to you at the 23 same time? 24 A Yes. 25 Q At that point did you know what</p>
<p style="text-align: right;">Page 47</p> <p>1 No, we knew that we needed to actually 2 give a lot of help to API. 3 Q So when did you first learn that -- let 4 me ask instead: We know that Dr. Blanford was 5 fired on that day, December 3rd, correct? 6 A Yeah, the day of the memo, yes. 7 Q Again, December 3rd was the day of the 8 inauguration when Governor Dunleavy took office. 9 A Okay. 10 Q Did you know before Dr. Blanford was 11 fired that he was going to be fired? 12 A No. 13 Q When did you first learn that he had been 14 let go? 15 A It was later that afternoon on the 3rd. 16 Q Okay. And how did you find out? 17 A I think I got a -- it was Deputy Chief of 18 Staff, one of them at the time, they were doing an 19 update on who had submitted the exempt -- the 20 at-will or exempt employees who had submitted 21 resignations. 22 Q And what were you told about his firing? 23 A That he had not submitted a resignation. 24 Q And who told you that? You said the 25 Deputy?</p>	<p style="text-align: right;">Page 49</p> <p>1 Dr. Bellville's role or job was at API? 2 A He was a psychiatrist at API. 3 Q Before you learned that Dr. Bellville had 4 been fired, did you know he was going to be fired? 5 A No. 6 Q And that's the first -- just to be clear, 7 that's the first that you heard his name; is that 8 right? 9 A I believe so. 10 Q And so for both Dr. Bellville and 11 Dr. Blanford you learned the afternoon of 12 December 3rd that their employment had been 13 terminated because they hadn't resigned, correct? 14 A Yes. 15 Q Okay. Did you have an opinion about 16 whether Dr. Blanford should have been fired? 17 A Well, yeah, because I believe on the 5th 18 when I went and met and sat down with them, I asked 19 them if they would stay and if they wanted to stay, 20 they just needed to tell me that they wanted to 21 apply and they could have their -- and they could 22 stay on. 23 Q Okay. I want to get to that, and I asked 24 the question a little bit too broadly. So let me 25 narrow that a little.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q So after you talked to Mr. Babcock, do I 2 assume correctly that you had that meeting arranged 3 to talk with Drs. Bellville and Blanford? 4 A Yes. 5 Q Do you remember what time of day it was 6 when you met with them? 7 A I do remember it was light, because that 8 was my first time in the CEO's office at API, and 9 it was actually brilliant sunshine coming through. 10 Being December, close to midday. 11 Q Okay. Sounds like a reasonable guess. 12 A It was a beautiful building actually. 13 Q And so you were in Mr. Mayes' office? 14 A Yes. 15 Q And tell us, then, about this 16 conversation. How did it start? What happened? 17 What did you say to Drs. Blanford and 18 Bellville? 19 A I mean, I don't remember the entire 20 conversation. I introduced myself, because I had 21 not met them, talked to them. One of the things I 22 do remember, because it was striking, is 23 Dr. Bellville wore a very similar outfit at the 24 time, and it was striking because he looks like a 25 very cool psychiatrist aspect with his</p>	<p style="text-align: right;">Page 56</p> <p>1 them to return if they had been fired? 2 A You know, as far as I was concerned, they 3 got caught in the wash. When you're dealing with 4 setting up -- it's a short time frame setting up an 5 administration of -- I don't even know -- 16,000 6 employees across the state, things like this can 7 occur. And from my perspective, I looked at this 8 and said: You know what, I need these two 9 psychiatrists here at API. 10 Q I appreciate that. So you asked them to 11 reapply for their jobs, correct? 12 A Yes. 13 Q Why would you not just offer them their 14 jobs back? Why did they have to reapply? 15 A Reapply means they just had to tell me 16 they wanted to take their job back. Even at that 17 time I don't even believe -- I don't know if I had 18 a functioning phone or email to where I was 19 confident to use it. So I wouldn't know the State 20 system on how one would reapply. So if I said that 21 word "reapply" -- I believe I said: Just let me 22 know and we'll call that your reapplication. 23 Because I think that met the intent of the initial 24 memo, so to speak, the thing that went out at noon 25 on the 3rd. So that was why.</p>
<p style="text-align: right;">Page 55</p> <p>1 quarter-zips. That's just been something I felt 2 onto. It was, like, he looks like a psychiatrist 3 from a movie. And I just remember that about Dr. 4 Bellville and Dr. Blanford. Dr. Bellville was very 5 calm and cool, and Dr. Blanford was a little upset. 6 We talked and explained to them my commitment for 7 API moving forward and asked them if they would 8 stay. And they just need to apply through me in 9 order to stay and we'd be glad to have them. 10 Q And so I understand this correctly, you 11 wanted them to stay because you thought that you 12 needed them there? 13 A Yes. 14 Q And it's your understanding that their 15 terminations, their firings, had nothing to do with 16 their work product or the quality of their work or 17 anything that they did as psychiatrists at the 18 hospital, correct? 19 A Correct. It would be just part of the 20 normal course of business for the transition. 21 Q What did they say in response to your 22 request or your offer? 23 A That they appreciated it and they needed 24 time to consider it. 25 Q Just so I'm clear, why was it okay for</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Did Mr. Babcock ask you to couch your 2 offer in those terms? 3 A No. 4 Q Did you think that you were offering them 5 their jobs back during that meeting? 6 A Yes. 7 Q Did they think that you were offering 8 them the jobs back? 9 A I believe so, otherwise they would have 10 told me, in colorful words, no at that time instead 11 of considering it. 12 Q So are you saying that in that meeting if 13 they said, yes, I'd like to come back, you would 14 have rehired them there on the spot? 15 A Yes. 16 Q And they did not say anything in response 17 to that, then. Do I -- 18 A They said they're going to consider it 19 and they'll get back with me. 20 Q Did they get back with you? 21 A Yes. Had a follow-up email from 22 Dr. Blanford on the 5th. I must have been -- this 23 was the email I said that I was just making sure -- 24 where he said: Thank you for the meeting, really 25 appreciate it, and it seems doubtful we will</p>